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PP RUEHDE RUEHDIR
DE RUEHKU #1110/01 3101457
ZNY CCCCC ZZH
P 051457Z NOV 08
FM AMEMBASSY KUWAIT
TO RUEHC/SECSTATE WASHDC PRIORITY 2307
INFO RUEHZM/GULF COOPERATION COUNCIL COLLECTIVE PRIORITY
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 KUWAIT 001110

SIPDIS

NEA/ARP,

E.O. 12958: DECL: 10/14/2018
TAGS: [PGOV](#) [PREL](#) [KDEM](#) [PINR](#) [KWMN](#) [KU](#)
SUBJECT: KUWAIT'S NATIONAL ASSEMBLY: OFF TO A ROCKY START

REF: KUWAIT 1089

Classified By: Political Counselor Pete O'Donohue for reasons 1.4 b and d

Summary

11. (C) As widely predicted by Kuwaiti political observers, the October inaugural session of Kuwait's re-convened National Assembly was filled with verbal pyrotechnics and minor human drama as MPs squabbled over election counting errors, the presence of bare-headed female ministers, and threats to "grill" the Prime Minister -- a possible tripwire that could prompt the Amir to dissolve Parliament. In a rare show of unity, the Parliament voted to guarantee all deposits at national and foreign banks operating in Kuwait. While panic over the global financial crisis has pushed the MPs to support government steps to deal with it, many Kuwaitis anticipate that this cooperation will be short-lived and limited. End summary.

Off to a Rocky Start

12. (SBU) As generally expected, the atmospherics surrounding the National Assembly's current session were filled with fireworks and drama:

--On the eve of the October 21 inaugural session, the Kuwaiti Administrative Court rejected a last minute lawsuit filed by ex-MPs Mubarak Al-Wa'alan and Abdullah Al-Ajmi requesting a stay order on a September Constitutional Court ruling that stripped them of their MP status. Previously, after a recount of the May 17 election results revealed a significant discrepancy in the number of votes in their respective constituencies, the Constitutional Court ruled that the seats of Al-Wa'alan and Al-Ajmi would instead go to Askar Al-Enezi and Saadoun Al-Oteibi. In protest over the ruling, Al-Wa'alan and Al-Ajmi publicly announced their intention to force their way into the October 21 session, but -- after an October 20 private session with Speaker Jassem Al-Khorafi -- deferred their plans.

--The National Assembly's Legal and Legislative Committee ruled just prior to the inaugural session that the presence on the parliamentary floor of the two female ministers, Education Minister Nouriya Al-Subeeh and Housing Affairs Minister Moudhi Al-Homoud, violated the constitution's alleged requirement that "Islamic dress be observed" because neither wears the hijab (head covering). The women ignored the ruling and were allowed to take their seats but the festering issue exacerbated tensions between conservative and moderate MPs.

Setting the Tone: The Amir Strikes Back

13. (C) On October 21 Amir Shaykh Sabah Al Sabah reconvened the Kuwaiti National Assembly with opening remarks appealing for improved cooperation between his Cabinet and the obstreperous Parliament. Reading from prepared text, the Amir sternly warned that Kuwaiti politics would be governed by the constitution and by the public interest and not by threats emanating from self-interested MPs. The Amir also stressed his displeasure at the ineffectiveness of the assembly to date, complaining that its members' incessant squabbling amounted to a failure of public service. Addressing parliamentary discontent with PM Shaykh Nasser Al Sabah, the Amir defied the opposition by declaring it was his constitutional right as head of state to appoint the PM and to approve the PM's selection of Cabinet members. The comment was widely viewed as evidence of the Amir's continued support for his beleaguered PM and as a warning that interpellation of the PM could lead to dissolution of Parliament. Some observers noted, however, that the Amir made substantially the same remarks at the last Parliamentary opening, taking away some of this impact.

14. (C) In subsequent remarks, Speaker of Parliament Jassem Al-Khorafi echoed the Amir's call for cooperation between the government and the Assembly and stressed that democratic dialogue is key to resolving Kuwait's problems. The Speaker cast blame on both the executive and legislative branches for their failure to work together but decried in particular the government's lack of vision and its failure to operate transparently.

Crossing the Red Line to Dissolution

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15. (C) Within only a few days of the Amir's opening address, some MPs demonstrated their resolve to ignore his threats and entreaties and began targeting the PM for grilling, a move many Kuwaitis view as the Amir's tripwire for parliamentary dissolution. On October 26, Independent MP Ahmad Al-Mulaifi announced that he would file a motion on November 6 to interpellate the Prime Minister on the grounds that the PM failed to manage the current economic crisis properly and that his office had misappropriated funds. (Note: On November 5, reciprocating an overture from the GOK, Al-Mulaifi postponed the filing of the motion. If allowed to go forward, this would be the first successful grilling of a PM in Kuwait's history. In 2006, Al-Mulaifi and two other MPs filed a request to grill PM Shaykh Nasser over a controversy concerning electoral constituencies, an act that prompted the current Amir to issue his first decree of parliamentary dissolution. End note).

16. (C) Al-Mulaifi's present drive to grill the PM has only limited support in Parliament. Some MPs have criticized the gambit, calling it "stupid" in a time of economic uncertainty. Others, bent on antagonizing the government at any cost, have rallied around Al-Mulaifi. Many MPs and political observers call Al-Mulaifi a mere malcontent who, having failed to win a seat on any of the newly joined parliamentary committees, is now instigating the dissolution of parliament out of simple malice.

17. (C) Islamic Constitutional Movement (ICM-active political association and Kuwaiti affiliate of Muslim Brotherhood) Political Relations Chief Mohammed Al-Dallal told poloff on November 3 that though Kuwaitis are fed up with "poor management" from the PM-led government, now -- in the midst of a financial crisis -- is not the time to grill the PM and force dissolution. When asked if the GOK should permit Shaykh Nasser's grilling, Al-Dallal replied simply that the PM, -- whom he described as lacking in leadership, charisma and eloquence -- would lose and embarrass "the (Al Sabah) family," further weakening the government. According to Al-Dallal, Al-Mulaifi sees a grilling as inevitable; the relationship between the government and parliament is at an

impasse. Al-Mulaifi, Al-Dallal continued, sees a dissolved Parliament as no worse than a dysfunctional one coupled with weak governmental leadership.

¶8. (C) Al-Dallal expressed concern that the Amir, out of frustration and a determination to appear strong, would dissolve the parliament unconstitutionally and rule by Amiri decree, and he recalled a similar period of turmoil in the late 1980s that witnessed the Kuwaiti National Guard employing tear gas and water cannons on unruly mobs demanding the return of their parliament. Al-Dallal suggested that a return to such strife would be likely if the legislative body was not reinstated, and would be facilitated and exacerbated by instant technologies not available in the 80s, such as SMS, cellphones, and emails. He and some other Kuwaitis note that rule by Amiri decree would be acceptable to an extent, but at some point in the not-too-distant future, Kuwaitis would demand a return of their parliamentary system. Other Kuwaitis have called for the position of an elected Prime Minister, arguing that if the electorate had to try governing for itself, it would either operate effectively or get voted out of office -- highlighting that in this current political climate, there is no punishment for antagonizing the government.

MPs Resent GOK Interference

¶9. (SBU) Parliamentary fireworks flared again during week two of the session when Independent Conservative MP Musallam Al-Barrak on October 29 loudly protested the government's interference in the National Assembly's right to form temporary panels to tackle housing, the status of bidoons (the stateless), the environment, and women's rights. Al-Barrak's cry that "We are not under the mercy of the government and its order" prompted the Speaker briefly to adjourn the session. The Speaker later turned off Al-Barrak's microphone when he attempted to resume his tirade.

¶10. (SBU) Adding to the turmoil, in a move designed to antagonize the ruling Al Sabah family -- which has made known publicly its distrust of parties -- four liberal MPs submitted a draft law on October 30 to allow Kuwaiti citizens to form political parties. Currently, despite the active nature of political associations, political parties -- which are not addressed by the law -- in effect are forbidden.

Parliament Unifies Around Financial Crisis

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¶11. (C) The global financial crisis has proved to be a catalyst for spurring the body into unified action. On October 29, in an attempt to shore up confidence in the banking sector, MPs by a 50-7 majority passed into law a guarantee on all forms of deposits, including savings and current accounts at national and foreign banks operating in Kuwait. Some MPs, however, have used the global financial crisis as a hammer with which to bludgeon the government for not doing enough to protect ordinary Kuwaitis.

¶12. (C) Despite substantial parliamentary support in favor of grilling the PM, a number of MPs, citing the need for unity in the face of the financial crisis, joined to dissuade Al-Mulaifi from filing his motion on November 6. Similarly, the GOK made overtures on November 3 to placate Al-Mulaifi by assigning an official to review the findings of an Audit Bureau report on the PM's office account expenditures. In response, Al-Mulaifi acknowledged that the government took a positive step and that he would reciprocate, and on November 5, he decided to postpone the motion to grill the PM until the completion of the investigation.

Comment:

¶13. (C) Public expectations for the newly-convened National Assembly have remained low ever since the results of the May 17 elections became known. The MPs, many of whom were elected based on tribal affiliations rather than talent or experience, have yet to form an effective opposition to the GOK or to coalesce around any readily-identifiable political programs. Given this divisiveness, the system of political blocs that characterized previous parliaments has all but vanished. In an effort to structure the cabinet to balance tribal interests, the PM, with Amiri approval, selected last May a cabinet reflective demographically of the Parliament and Kuwaiti society as a whole; the cabinet includes members of the four major Kuwaiti tribes represented in the Parliament.

¶14. (C) Comment continued: At this stage, all the elements of Kuwait's present leadership structures are demonstrably weak. An aged and tired Amir is backing up a Prime Minister who is widely viewed as short on vision and charisma and a Cabinet that while competent has no independent mandate. This executive structure faces a Parliament that is itself lacking in depth or expertise and which has no coherent program for addressing Kuwait's long-term social and economic challenges. The general health of Kuwait's budget and, until recently, high oil prices have further cushioned the impetus for reform. While the Amir -- thus far -- insists that he intends to work with this Parliament, the tension inherent in the relationship could force his hand and impel him to dissolve Parliament for the third time in as many years. In the midst of a financial panic, Kuwaitis are looking for leadership and would probably not object too strenuously to a third dissolution if they felt that a government ruling by decree, for a limited period, could find shortcuts to sound solutions. Unfortunately, many Kuwaitis remain skeptical of the GOK's capacity to provide the necessary leadership. End comment.

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